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CERTIFICATE OF MAILING

Deposited: February 15, 2007

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on the date indicated above.

Pam Ramsey

Attorney Docket No.: 01053

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Justin et al.

Group:

1743

Serial No.: 10/695,550

Examiner:

N. Levkovich

Filing Date: October 28, 2003

Customer No.:

35467

Confirmation No: 5431

For:

TRANSPORT SYSTEM FOR TEST SAMPLE CARRIER

Mail Stop Amendment Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

### **TRANSMITTAL**

Sir:

Applicants respectfully submit the following for filing in the above-referenced

application:

(1) a Transmittal;

(2) a Response to Restriction Requirement; and

(3) a Postcard.

If any fee is due with this submission, please charge it to Deposit Account No.: 58,0364

Date: February 15, 2007

By: \_\_\_\_

Samir B. Patel - Reg. No. 44,998

Senior Patent Counsel

bioMerieux, Inc. 100 Rodolphe Street

Durham, North Carolina 27712

Tel.: (919) 620-2914



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## RESPONSE TO RESTRICTION REQUIREMENT

SIR:

Applicants respectfully submit this response further to the Office Action mailed February 8, 2007.

In the Office Action of February 8, 2007, the Examiner has issued a restriction requirement requiring election of one of the following groups of claims for continued prosecution:

Group I:

Claims 1-9, drawn to a transport system for automatic sample testing

machine, classified in class 422, subclass 63;

Group II:

Claims 10-12, drawn to an automatic sample testing machine,

classified in class 422, subclass 50; and

Group III: Claims 13-17, drawn to a method of determining a position of a carrier

moved through a sample testing machine, classified in class 73,

subclass 1.85.

In response to this restriction requirement, Applicants elect without traverse

Group 1, Claims 1-9, for the purpose of continued prosecution in this application.

Furthermore, in the Office Action the Examiner has issued a further restriction

with respect to the following patentably distinct species of the claimed invention:

Species I: Claims 1-5, drawn to a transport system, which includes carrier

position tracking sensors disposed along the carrier path; and

Species II: Claims 6-9, drawn to a transport system including a ramp at the

entrance station.

In response to this further restriction, Applicants elect without traverse Species

1, Claims 1-5, for the purpose of continued prosecution in this application.

Applicants reserve the right to file a divisional(s) for the claims not elected in

response to the restriction requirement.

An early and favorable action on the merits of this application is respectfully

requested.

Respectfully submitted,

Bv

Samir R. Palel - Reg. # 44.998

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February 15, 2007